

Sisk, Richard

From: Works, John
Sent: Wednesday, June 19, 2013 10:33 AM
To: Kmule@skld.com
Cc: Sisk, Richard
Subject: Draft Notices for the properties in the VB/I70 Superfund Site, Denver
Attachments: No cleanup Notice FINAL 14MAY2013.pdf; No sampling Notice FINAL 14MAY2013.pdf

Kelly:

Here are the two draft notices that EPA will be placing on properties that have not participated in the Superfund Clean-up program for this immediate area. Please take a look and discuss with your plant manager. We would be available to meet with you and/or your plant manager to discuss possible changes that may make these Notices more recognizable through the Title search process.

Thank You

John Works
Enforcement Specialist, ENF-RC
U.S. EPA Region 8
1595 Wynkoop St
Denver, Colorado 80202
(303) 312-6196
work.john@epa.gov

Below is the Site attorney's contact information

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Phone: 303-312-6638
Fax: 303-312-6409
E-mail: sisk.richard@epa.gov

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**When Recorded Return To:
Remedial Project Manager, EPR-SR
Vasquez Boulevard and Interstate 70 Superfund Site
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street, Denver, CO 80202**

NOTICE OF ENVIRONMENTAL CONDITIONS

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, CO [insert zip code], and more particularly described as follows:

(Insert legal description as shown in Denver records)

WHEREAS, For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, EPA shall be considered the Grantor, and {Name of Owner of Record} shall be considered the Grantee. Nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by United States Environmental Protection Agency (EPA) on September 25, 2003. The ROD established cleanup objectives for lead and arsenic in residential soils to protect human health and prevent unacceptable exposures to adults and children.

WHEREAS, the EPA has prepared and recorded this Notice of Environmental Conditions ("Notice") to disclose specific environmental conditions of the Property to subsequent owners of the Property.

NOW, THEREFORE, NOTICE is hereby given that the EPA obtained soil samples from the Property, and those soil samples show levels of lead and/or arsenic contamination above health-based action levels.

The levels at which the EPA determined that lead and/or arsenic in soil in residential yards present an unacceptable risk (the so-called "action levels" in the ROD) are 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic. At the Property, the EPA's sampling of the surface soils found [____] parts per million of lead and [____] ppm of arsenic.

As of the date of this Notice, the Property remains contaminated as the owner of the Property declined the EPA's offer to clean up the Property. The owner of the Property has been provided written notice of and the opportunity to comment on the Notice and the filing of this Notice by certified mail.

The records regarding sampling at the Property and other documents relevant to the Property and the Site, generally, may be requested from:

[Second Page Follows]

U.S. Environmental Protection Agency, Region 8
Superfund Remedial Program, Remedial Project Manager
Vasquez Boulevard and Interstate 70 Superfund Site
1595 Wynkoop Street
Denver, CO 80202.

The information in this Notice may represent environmental conditions of which a seller would have current actual knowledge and thus, should be disclosed by the seller to the buyer prior to the sale or transfer of the Property.

United States Environmental Protection Agency

By: _____
Bill Murray, Director
Superfund Remedial Program
U.S. Environmental Protection Agency
Region 8

Date: _____

State of Colorado)
) ss:
County of Denver)

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this day of _____, 2013.

[SEAL]

When Recorded Return To:
Remedial Project Manager, EPR-SR
Vasquez Boulevard and Interstate 70 Superfund Site
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street, Denver, CO 80202

NOTICE OF POTENTIAL ENVIRONMENTAL CONDITIONS

WHEREAS, [Name of Owner] is the owner of record of the real property (referred to as "the Property") located at [ADDRESS], Denver, CO [insert zip code], and more particularly described as follows:

(Insert legal description as shown in Denver records)

WHEREAS, **For purposes of indexing in the County Clerk and Recorder's office Grantor-Grantee index only, EPA shall be considered the Grantor, and {Name of Owner of Record} shall be considered the Grantee.** Nothing in this Notice shall be construed to create or transfer any right, title or interest in the Property.

WHEREAS, the Property is within the boundaries of Operable Unit 1 of the Vasquez Boulevard and Interstate 70 Superfund Site (Site), as described in the Record of Decision (ROD) signed by the United States Environmental Protection Agency (EPA) on September 25, 2003. The ROD established cleanup objectives for lead and arsenic in residential soils to protect human health and prevent unacceptable exposures to adults and children.

WHEREAS, the EPA has prepared and recorded this Notice of Potential Environmental Conditions ("Notice") to disclose specific potential environmental conditions of the Property to subsequent owners of the Property.

NOW, THEREFORE, NOTICE is hereby given that, as of the date of this Notice, the EPA has not obtained soil samples from the above described Property.

The EPA obtained soil samples from over 4000 residential properties within the Site. Of this total, over 800 properties showed levels of lead and/or arsenic contamination that could present unacceptable risk to or make the property unsafe for children or adults. The levels at which the EPA determined that lead and/or arsenic in soil present an unacceptable risk (the so-called "action levels" in the ROD) were 400 parts per million (ppm) or greater for lead and 70 ppm or greater for arsenic.

As of the date of this Notice, the owner of the Property has not consented to EPA accessing and sampling the Property. The owner of the Property has been provided written notice of and the opportunity to comment on the Notice and the filing of this Notice by certified mail.

The EPA's records regarding the Property and the Site, may be requested by contacting:

[Second Page Follows]

U.S. Environmental Protection Agency, Region 8
Superfund Remedial Program, Remedial Project Manager
Vasquez Boulevard and Interstate 70 Superfund Site
1595 Wynkoop Street
Denver, Colorado 80202

The information in this Notice may represent potential environmental conditions of which a seller would have current actual knowledge and thus, should be disclosed by the seller to the buyer prior to the sale or transfer of the Property.

United States Environmental Protection Agency

By: _____
Bill Murray, Director
Superfund Remedial Program
U.S. Environmental Protection Agency
Region 8

Date: _____

State of Colorado)
) ss:
County of Denver)

Before me, a notary public, in and for said county and state, personally appeared Bill Murray, Director at the United States Environmental Protection Agency, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this ____ day of _____, 2013.

[SEAL]